

Senate Redistricting January 29, 1991 Page These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

SENATE COMMITTEE ON REDISTRICTING

January 29, 1991Hearing Room "B" 3:00 p.m. Tapes 5 - 6

MEMBERS PRESENT:Sen. Glenn Otto, Chair Sen. Dick Springer,
Vice-Chair Sen. John Brenneman Sen. Jim Bunn Sen. Mae Yih

MEMBERS EXCUSED:Sen. Bill Bradbury Sen. John Kitzhaber

STAFF PRESENT: Gail Ryder, Senior Committee Administrator Joan
Green, Committee Assistant

MEASURES CONSIDERED: SB 187 - Election Law, PH/WS SB 188
- Election Law, PH/WS SB 281 - Election Law, PH SB 283 - Election Law,
PH

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 5, SIDE A

006 Chair Otto: Calls the meeting to order at 8:16 p.m. as a subcommittee.

010 RYDER: Introduces the four technicians.

(TAPE 5, SIDE A)

PUBLIC HEARING

SB 187 RELATING TO ELECTION LAW

Witnesses: Jack Graham, Director, Elections Division, Office of the Secretary of State Larry Bevens, Secretary of State, Elections Division

020 JACK GRAHAM, DIRECTOR, ELECTIONS DIVISION, OFFICE OF THE SECRETARY OF STATE: Discusses written testimony, Exhibit A.

062 SPRINGER: Requests an example of where the mailing rule applies, as opposed to the physically received rule?

068 GRAHAM: The one that comes to mind is the supplemental filing deadline specified as September 10. By rule, we have created a requirement, that filing be physically in by the end of the day, on filing deadline. Because the statute does not provide for that, if the day falls on a holiday we cannot go to the next business day. The Attorney General (AG) feels we would need to return to the preceding business day and it can result in confusion.

081 SPRINGER: Are fax's accepted as physical receipt or does that need to be clarified?

086 GRAHAM: Fax's are becoming more available and used for a variety of situations. We would welcome clarification. Currently I am exercising administrative judgement.

094 SPRINGER: Volunteers his help to specify ground rules for use of fax machines. If everyone should decide to fax, there are obviously not enough machines or phone lines to accept all of the documents.

099 GRAHAM: We have experienced problems with access already. Due to jams, I have had to penalize people who have tried to fax as early as 4:00 p.m. on filing deadlines.

113 SPRINGER: I will meet with you to establish ground rules and any of the county clerks are invited to participate.

115 GRAHAM: County clerks are as affected as our office and need to be factored into the process. Continues with written testimony, \$5 and \$6, pg. 1, Exhibit A.

183 YIH: What is the difference between a county clerk and a filing officer, are the two the same?

185 GRAHAM: They are sometimes the same and sometimes different. In local offices the filing officer is the county clerk. For all state positions the Secretary of State is the filing officer. The 10 day verification period is not provided for the Secretary of State.

202 YIH: The process to recall an elected state officer would be to go to the county clerk for the petition up to 90 days and have the signatures verified by the county clerk and then it would come to the State Capitol on the 100th day to file the petition?

208 GRAHAM: Yes, and that would be consistent with all of the other offices.

210 YIH: Then the Secretary of State's Office has additional days to verify the signatures again?

212 GRAHAM: The signatures are already verified, but we have separate processing steps. Continues with written testimony, \$10, pg. 2, Exhibit A.

243 BUNN: Don't you also narrow the window for gathering signatures by the same five days?

247 GRAHAM: Yes, we are dealing with a fairly lengthy time period in this case, but that is correct.

251 BUNN: How important is this part in relationship to the rest?

253 GRAHAM: Given the number of complaints and concerns of people feeling left out of the comment stage, it is desirable to provide more days for response. I don't think that five days will cause significant harm to those gathering signatures. Continues with written testimony, \$11, pg. 2, Exhibit A.

363 OTTO: If a candidate spends less than \$50, he may list it as a personal expense along with the dollar amount spent, and that is acceptable, correct?

379 LARRY BEVENS, SECRETARY OF STATE, ELECTIONS DIVISION: Yes, as a line item.

408 OTTO: There is no limit on how many of those I could list without identification of where they were spent? That can accumulate to quite a few dollars.

415 BEVENS: They are listed as reimbursement for expenses and the dollar amount.

425 OTTO: But you do not need to identify how the money was spent.

427 BEVENS: Correct, you need to voucher or receipt only expenditures in excess of the \$50.

451 GRAHAM: The area you are discussing is not covered by current law.

453 OTTO: There was a candidate in East Multnomah County that had numerous expenditures for \$49 and no one knows how the money was spent.

459 GRAHAM: That would escape the present reporting requirements.

467 BUNN: I thought I had been instructed to clarify what the money was

spent for no matter what the dollar amount, is that incorrect?

484 GRAHAM: Under current law you should not be required to, however you could have been asked.

TAPE 6, SIDE A

011 OTTO: The candidate I am referring to had 23 checks all for under \$50.

013 GRAHAM: We are currently dealing with that on an administrative level. Continues with written testimony, \$19, pg. 2, Exhibit A.

048 BUNN: If something is missing from the Contribution & Expenditure (C & E) report and you request a response, do you give 10 calendar or working days?

051 GRAHAM: When the exam letter goes out we give 15 calendar days.

052 BUNN: Might the same criteria be applied?

054 GRAHAM: That could be remedied. It is an administrative decision and it has the same types of problems.

056 BUNN: Your concern is legitimate, but candidates share the same concern.

061 YIH: Can we require people to state the purpose for expenditures of less than \$50?

067 GRAHAM: We could, we have the administrative ability to clarify this area and with training of staff we could consistently apply the rules.

073 YIH: Could that be included in the administrative rules?

077 GRAHAM: I think it could be clarified by administrative rule.

WORK SESSION

093 MOTION: SEN. BUNN MOVED \$10, PG. 4, LN. 2, BE DELETED.

104 BUNN: As a former petitioner I know what deadlines can do, I would like to give the benefit of time to petitioners for gathering signatures.

114 VOTE: OBJECTIONS. HEARING NONE, SO ORDERED.

117 MOTION: SEN. BUNN MOVES SB 187 TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION.

123 VOTE: MOTION CARRIED, 5-0. (EXCUSED: SEN. BRADBURY, SEN. KITZHABER). SEN. BUNN WILL LEAD THE FLOOR DISCUSSION.

(TAPE 6 SIDE A)

PUBLIC HEARING

SB 188 RELATING TO ELECTION LAW

Witnesses: Jack Graham, Director, Elections Division, Office of the Secretary of State Sue Proffitt, Secretary of State, Elections Division

133 JACK GRAHAM, DIRECTOR, ELECTIONS DIVISION, OFFICE OF THE SECRETARY OF STATE: Discusses written testimony, Exhibit B. Refers to conceptual amendment on pg. 2 of Exhibit B.

189 BRENNEMAN: Since in some cases they are not registered to vote, how do you satisfy the portion of law requiring that not all members be of the same political party?

196 GRAHAM: I don't know, that was overlooked.

201 BUNN: Extra effort be made to be sure they are paired with opposite parties. Don't we lose the requirement that they must be a resident of the county they are working in under this change?

207 GRAHAM: We would lose that in the statute. This would require the Secretary of State to draft guidelines. I think appropriate guidelines would include that the students used should be from the same county, have command of the English language, etc.

218 YIH: Why can't a person be on a day board and a counting board at the same time?

231 SUE PROFFITT, SECRETARY OF STATE, ELECTIONS DIVISION: A board member can't be on the election board and a counting board at the same time, but they may be on both boards on the same day.

243 YIH: If a person serves on a day board and then serves on a counting board after the polls close that is okay?

246 PROFFITT: Yes.

247 YIH: Why can't they be on the day board and the counting board at the same time.

252 GRAHAM: You cannot be in two places at the same physical moment in time and in effect that is what would be required.

265 OTTO: Has opening the polling places an hour earlier affected the supply of precinct workers?

273 GRAHAM: Yes, it becomes a long day. Our pool of workers has been from our elderly people and, what can stretch into an 18 hour day, can become a strain, with the stress levels.

292 OTTO: Is there a requirement that workers must work a continuous shift or could they work a split shift?

302 GRAHAM: They could, but the problem is finding enough additional people to fill the shifts.

309 OTTO: If this bill passed there might be a surplus of help.

317 GRAHAM: That would be possible and facilitate the idea of breaking the shifts into manageable work days.

WORK SESSION

318 RYDER: Ted Reutlinger, Legislative Counsel suggested the following language. "The Secretary of State shall adopt by rule standards under which county clerks may employ persons to serve as election board clerks who are not electors in the county, but who are least 16 years of age." Vicki Ervin has looked at this and concurred.

326 GRAHAM: I have no problem with that.

330 MOTION: I WOULD LIKE TO AMEND THE AMENDMENT BY CONCEPTUALLY SPECIFYING THAT THE INDIVIDUAL MUST RESIDE IN THE COUNTY FROM WHICH THEY WOULD BE SERVING.

337 YIH: How would you verify residency?

342 GRAHAM: By the age of 16 documentation should be available for verification, most specifically a drivers license.

346 YIH: If they don't have a drivers license, then what?

349 GRAHAM: There are identification documentation available from Motor Vehicles Division (MVD).

359 YIH: School documentation would be allowed?

364 GRAHAM: That could be another source.

367 BUNN: I am not trying to require the county clerks to investigate place of residence, but only to keep the elections worker local.

387 VOTE: OBJECTIONS TO THE CONCEPTUAL AMENDMENT TO THE AMENDMENT. HEARING NONE, SO ORDERED.

391 MOTION: SEN. BUNN MOVED THE AMENDMENT AS READ BY GAIL RYDER TO SB 188. OBJECTIONS. HEARING NONE, SO ORDERED.

400 MOTION: SEN. BUNN MOVES SB 188 TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION.

403 BUNN: I will move that to the floor, but I don't know if I will vote for it. I like the idea of involving young people in the process, but I am uncomfortable in having minors working in the election process because of the critical need to maintain integrity.

414 YIH: What are the poll hours?

417 OTTO: From 7:00 a.m. to 8:00 p.m. for 13 hours.

425 VOTE: MOTION CARRIED, 4-1. (VOTING NO: SEN. SPRINGER. EXCUSED: SEN. BRADBURY, SEN. KITZHABER). SEN. BRENNEMAN WILL LEAD THE FLOOR DISCUSSION.

432 YIH: Concurs with Sen. Bunn's reservations stated earlier.

443 RYDER: Enters submitted testimony from Jackson County, Exhibit C.

(TAPE 6, SIDE A)

PUBLIC HEARING

SB 281 RELATING TO ELECTION LAW

Witnesses: Jack Graham, Director, Elections Division, Office of the Secretary of State Vicki Ervin, Oregon Association of County Clerks David Buchanan, Oregon Common Cause

459 RYDER: Distributes submitted testimony from Jackson County, Exhibit E.

TAPE 5, SIDE B

016 VICKI ERVIN, OREGON ASSOCIATION OF COUNTY CLERKS: Discusses written testimony and related rotation chart, Exhibit D.

111 RYDER: Distributes Fiscal Impact statement, Exhibit F.

123 JACK GRAHAM, DIRECTOR, ELECTIONS DIVISION, OFFICE OF THE SECRETARY OF STATE: The Secretary of State is supportive of SB 281.

131 DAVID BUCHANAN, OREGON COMMON CAUSE: Oregon Common Cause is in favor of ballot rotation. It is negligible in determining the outcome of a race in very few cases, but there are rare occasions when it makes a difference. Tie votes are determined by random choice under our system. With this system we draw lots for ballot rotation. The policy question becomes is it worth the expense to have that margin of fairness built into the system?

204 BRENNEMAN: Is there rotation in the general election?

207 General consensus that there is not.

218 YIH: You don't think the random ordering of names takes away the advantage of being at the top?

221 BUCHANAN: It puts someone at the top and the advantage would go to whichever letter was chosen to be in the top position.

231 YIH: What do other states do, do they rotate?

234 BUCHANAN: There are many systems; some are random, some are alphabetical, some are by filing time.

249 BRENNEMAN: The example given in Exhibit D, with a large number of undecided, consisted of only two names. If there was a long list it might make a difference. I don't know whether or not we should discontinue the practice.

260 YIH: Requests the Secretary of State's office supply the Committee with information on how other states handle this?

265 GRAHAM: I don't have that information in the office, I could probably obtain that within a few days.

272 YIH: Could we have an answer before Thursday, January 31, 1991?

284 GRAHAM: I will let you know.

(TAPE 5, SIDE B)

PUBLIC HEARING

SB 283 RELATING TO ELECTION LAW

Witnesses: Jack Graham, Director, Elections Division, Office of the Secretary of State Marvin Evans, Confederation of Oregon School Administrators Charles Stern, Oregon Association of County Clerks

313 CHARLES STERN, OREGON ASSOCIATION OF COUNTY CLERKS: SB 283 has a companion bill, SB 349. Refers to a chart of the effects of the two different bills and current law, Exhibit G. Supports SB 283.

362 BUNN: Sen. Grensky's bill has 45 days rather than 40 days, is that simply mailing them out sooner?

364 STERN: Yes.

365 BUNN: Do you have a position on that?

367 STERN: The Department of Defense has targeted for 45 days. Because of a reluctance to move the primary election we have asked what could be done without moving that election. Sen. Grensky's bill would move the primary to the fourth Tuesday in May rather than the third Tuesday in May.

374 BUNN: You cannot accomplish 45 days without going to Sen. Grensky's bill?

377 STERN: Yes.

380 SPRINGER: What are clerks doing under existing law?

386 STERN: There may be an exception to this that I am unaware of. The long term absent voter, as defined in the statute, and military absent voter are targeted for immediate mailing. We then process the out of state and then the county, unless otherwise requested. Many absentee requests go to care centers and shut-ins, to avoid confusion we hold those until about 15 days, the same as the vote by mail.

421 SPRINGER: That makes sense, but is it up to each county clerk as to how they prioritize it?

431 STERN: The statute does not create a limitation on when ballots should be sent out. I don't know of any exceptions to that general scheme.

448 MARVIN EVANS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: There is a concern about the loss of the June election date. Election dates for school levies have been narrowed until there are only three useful dates left; May, June and September. With this bill we lose one of those dates and July is not an effective date. I am unaware of any problem with absentee ballots, I have never had concern expressed.

485 BRENNEMAN: What is the difference in using June over July?

487 EVANS: In June you still have access to the school community. By July it has split away.

497 BRENNEMAN: Do you have statistics on how often June ballots pass?

TAPE 6, SIDE B

036 EVANS: I would be happy to make those statistics available to the

committee. We have had moderate success with a June ballot, about fifty/fifty.

040 BRENNEMAN: Is it based on a hunch that school people will be there to vote in June, but not July?

041 EVANS: No, it is based on the fact that the election occurs early and we communicate with people. If people are leaving town before the June election and we communicate we have had good success in getting absentee ballots cast.

052 JACK GRAHAM, DIRECTOR, ELECTIONS DIVISION, OFFICE OF THE SECRETARY OF STATE: The Secretary of State reviewed this briefly and heard the clerks concerns. There is merit to what the clerks are want. The other side seems to have merit also. Secretary of State Keisling has indicated that the Committee be urged to give serious consideration to both positions and meet in the middle without sacrificing key dates.

062 OTTO: So where does Secretary of State Keisling stand on this bill?

064 GRAHAM: He has met only with the clerks and he indicated he would like the opportunity to understand the school's position before he takes a position.

067 RYDER: Enters a letter from the League of Oregon Cities, Exhibit H and written support from Jackson County Clerk, Exhibit I.

072 BRENNEMAN: Could you accommodate a switch from the July to June and drop August? I have had constituents tell me that there are too many voting dates, perhaps there is an accommodation we could arrive at by shortening it, but accommodating the schools.

078 STERN: We will be happy to recount the days and see if it can be reworked. We are presently voting the last one in June so we are right at the edge of everyone splitting out. I am pretty sure the 45 day one is out. We have tried not to move May.

091 BUNN: The schools usually go first in May, on the average?

090 STERN: A few come in March with most in May and then in September.

095 BRENNEMAN: It seems at home that if we don't get it in May we don't get it until fall, we have never got it in the summer.

098 BUNN: I would like input on how Measure 5 will impact this? It would seem to me the schools would have less difficulty with their levies passing when the rate is dropping so drastically. If that can be assessed I would like the information.

106 OTTO: We will hear this again on Thursday, January 31, 1991 and hopefully all of the information will be available.

Meeting adjourned at 5:05 p.m.

Submitted By:

Joan Green
Assistant

Reviewed By:

Jayne Hamilton
Assistant

EXHIBIT LOG

A - Written testimony, Graham, 2 pgs. B - Written testimony, Graham, 2 pgs. C - Written testimony, Beckett, 2 pgs. D - Written testimony, Ervin, 10 pgs. E - Written testimony, Beckett, 1 pg. F - Fiscal analysis, Staff, 1 pg. G - Handout, Stern, 1 pg. H - Letter, League of Oregon Cities, 1 pg. I - Written testimony, Beckett, 1 pg.